

December 7, 2006

Ex Parte

Ms. Marilyn Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Implementation of Section 621(a)(1) of the
Cable Communications Policy Act of 1984
as amended by the Cable Television
Consumer Protection and Competition Act
of 1992, MB Docket No. 05-311

Dear Ms. Dortch,

This notice is to record our ex parte meeting with Commissioners Mac Dowell, Tate, Chairman Martin, Adelstein and Copps. We stated our concerns directly via phone or via voicemail on December 7, 2006 our comments are summarized as follows:

We unite with Alliance for Community Media members in calling for competition without destruction of local, community-controlled media.

1) The proposed rule eliminates incentive for providers to negotiate in good faith. If the city and the provider do not come to agreement within 90 days, the provider can proceed without an agreement. They can then make billions of dollars using our public land without considering local needs. This framework would be unreasonable.

2) The proposed rule lacks a remedy for geographic discrimination. Public, Education and Government Access, or PEG, are tools to engage our local communities in

Democracy. Democratic participation should be for all, not based on a company business rule. All in our community owns the public-right-of-way, not just those in an area lucky enough to be served. We believe that the FCC must anticipate inevitable market imbalances,

as they were by Congress, and that any rule making must provide these three elements:

A) A standard for identifying imbalances in service.

B) A party responsible for identifying the imbalance—logically, the municipality.

C) A means for prevention or remedy of the imbalance.

3) The proposed rule reduces the support for PEG or other community media services from what is allowed by current Federal law. We believe this is an arbitrary reduction, which will hurt our communities. It is in direct contradiction to language authored by telephone companies and already passed in key states such as California and Texas. This reduction would eliminate a valued community resource with no demonstrated effect on either subscriber price or level of competition.

4) The changes being proposed to the law are dramatic. We believe that such changes to the law should be made by Congress, not the FCC. These changes will slow competition by

confusing the legal framework. Such changes should be decided by lawmakers, not the courts. The FCC should not usurp Congressional authority.

We look forward to working with the FCC to establish a process, which supports both competition and community fairness. Please contact us if you have questions or comments.

Sincerely,
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